

Senate File 37 - Introduced

SENATE FILE _____
BY McCOY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to drug and alcohol testing in motor vehicle
2 accidents resulting in a death or serious injury reasonably
3 likely to cause death.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1077SS 82
6 rh/cf/24

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1 1 Section 1. NEW SECTION. 321.261A POSTACCIDENT TESTING.
1 2 The driver of a vehicle involved in an accident whose
1 3 driving results in a death or serious injury reasonably likely
1 4 to cause death shall, as soon as practicable following the
1 5 accident, be tested for the presence of alcohol or a
1 6 controlled substance or other drug. Only a licensed
1 7 physician, licensed physician assistant as defined in section
1 8 148C.1, medical technologist, or registered nurse, acting at
1 9 the request of a peace officer, may withdraw a specimen of
1 10 blood for the purpose of determining the alcohol concentration
1 11 or the presence of a controlled substance or other drug.
1 12 However, any peace officer, using devices and methods approved
1 13 by the commissioner of public safety, may take a specimen of a
1 14 person's breath or urine for the purpose of determining the
1 15 alcohol concentration, or may take a specimen of a person's
1 16 urine for the purpose of determining the presence of a
1 17 controlled substance or other drug. Only new equipment kept
1 18 under strictly sanitary and sterile conditions shall be used
1 19 for drawing blood.
1 20 Sec. 2. Sections 321J.10 and 321J.10A, Code 2007, are
1 21 repealed.

EXPLANATION

1 22
1 23 This bill requires a driver of a motor vehicle involved in
1 24 an accident resulting in a death or serious injury reasonably
1 25 likely to cause death to be tested for the presence of alcohol
1 26 or a controlled substance or other drug. The bill provides
1 27 that only a licensed physician, licensed physician assistant
1 28 as defined in Code section 148C.1, medical technologist, or
1 29 registered nurse, acting at the request of a peace officer,
1 30 may withdraw a specimen of blood for the purpose of
1 31 determining the alcohol concentration or the presence of a
1 32 controlled substance or other drug. However, any peace
1 33 officer, using devices and methods approved by the
1 34 commissioner of public safety, may take a specimen of a
1 35 person's breath or urine for the purpose of determining the
2 1 alcohol concentration, or may take a specimen of a person's
2 2 urine for the purpose of determining the presence of a
2 3 controlled substance or other drug. Only new equipment kept
2 4 under strictly sanitary and sterile conditions shall be used
2 5 for drawing blood.

2 6 To avoid inconsistency with respect to testing requirements
2 7 in the operating-while-intoxicated Code chapter, the bill
2 8 repeals Code section 321J.10 requiring a peace officer who is
2 9 investigating a motor vehicle accident that resulted in a
2 10 death or personal injury reasonably likely to cause death to
2 11 obtain a warrant to withdraw a specimen of blood, breath, or
2 12 urine from the driver of the motor vehicle involved in the
2 13 accident upon the officer's reasonable belief that the driver
2 14 was under the influence of alcohol or a controlled substance
2 15 in violation of Code section 321J.2 or 321J.2A. The bill also
2 16 repeals Code section 321J.10A that allows a peace officer who
2 17 is investigating a motor vehicle accident that resulted in
2 18 death or personal injury reasonably likely to cause death upon
2 19 the officer's reasonable belief that the driver was under the

2 20 influence of alcohol or a controlled substance in violation of
2 21 Code section 321J.2 or 321J.2A, to withdraw a specimen of
2 22 blood, breath, or urine from the driver of the motor vehicle
2 23 involved in the accident without a warrant in certain exigent
2 24 circumstances.
2 25 LSB 1077SS 82
2 26 rh:nh/cf/24